

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

ROBERT REED, et al.,

Plaintiffs,

vs.

TRUMAN JONES, JR., et al.,

Defendants.

)
)
)
)
)
)
)
)
)
)

Case No. 3:09-1223

Judge Wiseman

Magistrate Judge Bryant

AGREED PROTECTIVE ORDER

Plaintiffs served a subpoena seeking certain information from non-party Amy McMaster, M.D. (“Dr. McMaster”), some of which may be protected from public disclosure pursuant to Tenn. Code Ann. § 38-7-110. Pursuant to the March 25, 2010 Order of the Court, and in order to facilitate production of the information subpoenaed, the parties have agreed upon the terms set forth below. It is, therefore, ORDERED:

1. APPLICABILITY OF THIS PROTECTIVE ORDER.

a. This Protective Order applies to all information, documents, things or testimony that are not otherwise publicly-available from a different source (collectively defined as “material”) provided by Dr. McMaster.

b. This Protective Order also applies to all information, documents, and things derived from such materials, including, but not limited to, copies, summaries, or abstracts.

2. NON-DISCLOSURE AND NON-USE OF MATERIAL.

No material provided by Dr. McMaster may be disclosed to any person except as hereinafter provided under this Order. The material provided by Dr. McMaster shall be used solely in this proceeding and not for any other purpose.

3. PERMISSIBLE DISCLOSURE OF MATERIAL.

Material may be disclosed only to the following, unless this Court orders that there may be further disclosure:

a. The parties, counsel of record for the parties to this proceeding, and employees in those law firms whose functions require access to the material;

b. Nonparty experts or independent consultants engaged by the Court or by counsel for any party or the parties themselves to assist in this proceeding, provided that for each nonparty expert or independent consultant, the material disclosed is related to the subject matter on which each nonparty expert or independent consultant has been retained, and each nonparty expert or independent consultant has acknowledged, in writing, his or her understanding of the provisions of this Order before receiving materials protected by this Order;

c. Judges, court reporters, court personnel, or videographers present at trial, hearings, arguments, or depositions held in this matter; and

d. A deponent, but only after he or she is shown a copy of this Order and asked to acknowledge, in writing, his or her understanding of the provisions of this Order. Regardless of whether a deponent signs the undertaking, this Order shall apply to any deponent who is shown materials protected by this Order.

4. USE OF MATERIAL AT HEARINGS OR AT TRIAL.

Material subject to this Agreed Protective Order may only be filed with the Court under seal unless otherwise ordered by the Court.

5. NON-TERMINATION.

The provisions of this Order shall not terminate at the conclusion of this proceeding.

ENTERED this 19th day of April 2010.

s/ John S. Bryant

JOHN S. BRYANT
United States Magistrate Judge

**AGREED TO AND
APPROVED FOR ENTRY:**

/s/ John L. Farringer IV

L. Webb Campbell II (No. 11238)
John L. Farringer IV (No. 22783)
SHERRARD & ROE, PLC
424 Church Street, Suite 2000
Nashville, TN 37219
(615) 742-4200
wcampbell@sherrardroe.com
jfarringer@sherrardroe.com
Attorneys for Dr. McMaster

/s/ Terry R. Clayton w/p JLF

Terry R. Clayton
1402 5th Avenue North
Nashville, Tennessee 37208
tclaytonlaw@comcast.net
Attorney for Plaintiffs

/s/ Dawn Jordan w/p JLF

Dawn Jordan
Assistant Attorney General
Civil Rights and Claims Division
Office of the Attorney General
425 5th Avenue North
P.O. Box 20207
Nashville, Tennessee 37202
dawn.jordan@ag.tn.gov

/s/ D. Randall Mantooth w/p JLF

D. Randall Mantooth
Leitner, Williams, Dooley & Napolitan, PLLC
Bank of America Plaza
414 Union Street, Suite 1900
Nashville, Tennessee 37219
randy.mantooth@leitnerfirm.com
*Attorneys for Defendants Truman Jones, Jr.,
Rutherford County Sheriff's Department,
Stanley Ciezkowski, Randy Thomas and Ty Downing*